

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

STEVEN LARON MCARTHUR
ADC #95870

PLAINTIFF

V.

CASE NO. 5:04CV00267 JMM/JTR

KIM LUCKETT, Assistant Warden,
Cummins Unit, Arkansas Department
of Correction, et al.

DEFENDANTS

ORDER


The Court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge J. Thomas Ray. No objections have been filed. After careful review, the Court concludes that the Proposed Findings and Recommended Partial Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED that:

1. Defendants' Motions to Dismiss (docket entries #16 and #25) are GRANTED as to the dismissal of Defendant Larry Norris and DENIED in all other respects. Accordingly, Defendant Larry Norris is DISMISSED, WITH PREJUDICE, from this action.
2. Pursuant to 28 U.S.C. § 1915(e), Plaintiff's Internal Affairs claim is DISMISSED, WITH PREJUDICE, for failing to state a claim upon which relief may be granted.

3. Defendants Smith and Lockett are ordered, pursuant to Fed. R. Civ. P. 12(a)(4), to file an Answer to the remaining claims asserted against them within ten days of the entry of this Order.

Dated this 1 day of August, 2005.


UNITED STATES DISTRICT JUDGE